

**TROY GERMAN,
PLAINTIFF, V. BRIAN
ORR, DEFENDANT
WDOK 19-CV-751-F
MOTION EXHIBITS FOR
DEFENDANT ORR'S
MOTION FOR SUMMARY
JUDGMENT**

**EXHIBIT 14 – ORR
STATEMENT/INTERVIEW
SUMMARIES**



Oklahoma Department of Public Safety

Oklahoma Highway Patrol

SUPPLEMENTAL FORM☒ OHP Investigation☐ Agency Assist

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TITLE OF REPORT

CAPTAIN BRIAN ORR INTERVIEW

On Tuesday, December 18, 2018, at 12:30 P.M., Captain BRIAN ORR was interviewed pursuant to criminal investigation case number 18-0631CI. ORR is employed by the Oklahoma Highway Patrol (OHP) and is assigned as the Troop R troop commander. Troop R is located at 220 North East 38th Terrace, Oklahoma City, Oklahoma 73105. The contact telephone number is (405) 425-2316. ORR was interviewed by Captain JASON HOLT and Trooper JIM PARISH. The interview was conducted at the OHP Investigations Division Headquarters. After being informed of the reason for the interview, ORR provided the following information.

During the week of July 16, 2018, ORR was studying for the captain's promotional interviews for Troop A and Troop R. On or around July 17, ORR received a phone call from OHP Chief MICHAEL HARRELL. HARRELL spoke briefly with ORR, asking if he was going to participate in the upcoming interviews. HARRELL told him that based on previous promotional interviews there were several areas of policy he should study. HARRELL never gave ORR specific questions that would be asked. Harrell gave ORR general areas and scenarios to study. ORR estimated HARRELL gave him three general areas to study. HARRELL told ORR that if he messed up the interviews, it was on him. HARRELL had called ORR several times in the past for work related issues, so it was not unheard of for HARRELL to call him.

Later that day, ORR met with Captain TROY GERMAN for lunch and a study session at the Bricktown Brewery in Shawnee. The meeting took place sometime in the early afternoon. ORR and GERMAN were both on duty for the meeting. GERMAN was in uniform and driving his Patrol Tahoe. ORR had stopped by his house and changed into plain clothes and drove his personal vehicle to the meeting.

ORR and GERMAN had studied together in the past on numerous occasions when ORR began the promotional process for lieutenant. ORR felt GERMAN is very intelligent and a knowledgeable resource for policy and departmental operations. GERMAN brought notes that included questions and bullet points to hit while answering those questions. He gave ORR several areas to study and went over hypothetical scenarios and questions that had been used before and might be used in the future. GERMAN had previously been on promotional boards and had more experience than ORR with the process. ORR felt his time studying with GERMAN was beneficial, and if he had not studied with GERMAN, he would not have performed as well as he did.

INVESTIGATING TROOPER	BADGE #	TROOP	COUNTY	AGENCY CASE #	DATE OF REPORT
TRP AARON MCKEY	454	Z	OKLAHOMA	18-0631 CI	01/03/2019

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CAPTAIN BRIAN ORR INTERVIEW

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Unbeknown to ORR, GERMAN recorded the meeting. GERMAN never informed ORR he was recording. ORR had no prior knowledge of GERMAN recording conversations with Department members. During the meeting, GERMAN commented on the phone call ORR had received from HARRELL. GERMAN asked what information he had on the Chief.

ORR interviewed for the Troop A position on July 18 and for the Troop R position on July 20. While ORR felt that he had done okay on the Troop A interview, he was more confident in his performance for Troop R. ORR felt he had done better on the Troop R interview because he was assigned as a lieutenant with Legislative Security. During his time there, he had gained an immense amount of working knowledge of Troop R that he would not have had otherwise. There were questions during the promotional interviews that did not pertain to the areas HARRELL had told ORR to study.

ORR's promotion was announced on August 16 and took effect September 1. GERMAN called him a few days after the interviews to check on him and see how he had done. Since ORR's promotion, his contact with GERMAN has slowed. However, he has had several interactions that have been work-related.

On Friday, October 26, ORR and GERMAN met at the Sunny Side Cafe in Shawnee for breakfast and to work on Troop R's COOP plan. During this meeting, GERMAN told ORR of an incident in which he was called into the Chief's office and was being questioned about something by HARRELL. HARRELL questioned GERMAN about where he had gained some sensitive information, and GERMAN said he had heard it from his wife. GERMAN told ORR he told his wife the information and had her repeat it back to him so he could truthfully say he had heard it from her. ORR believed GERMAN told him the story to brag about outsmarting HARRELL.

Since being promoted, Commissioner RUSTY RHOADES called ORR into his office for a meeting. Also present was DPS Chief Legal Council MEGAN SIMPSON and eventually HARRELL. RHOADES told ORR that GERMAN was attempting to blackmail him, and had given him an ultimatum to fill vacant major positions by a set date. RHOADES and HARRELL asked ORR to keep the information private. They informed him he may need to give a written statement, and that he would probably not be interviewed. At no time was ORR prepped for, or given instructions on how to act during an interview with Troop Z.

GERMAN never approached ORR with concerns regarding his promotion. He never told ORR his promotion was tainted and that he should not accept the promotion. ORR knew GERMAN had aspirations to promote, but he did not know that GERMAN was seeking a position with Oklahoma Emergency Management.

Note: This interview was recorded. The digital file is included with this case.



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TITLE OF REPORT **CAPTAIN BRIAN ORR SUBSEQUENT INTERVIEW**

On Thursday, January 17, 2019, at 12:30 P.M., Captain BRIAN ORR was interviewed pursuant to criminal investigation case number 18-0631CI. ORR is employed by the Oklahoma Highway Patrol (OHP) and is assigned as the Troop R Troop Commander. Troop R is located at 220 Northeast 38th Terrace, Oklahoma City, Oklahoma 73105. The contact telephone number is (405) 425-2316. ORR was interviewed by Captain JASON HOLT and Trooper JIM PARISH. The interview was conducted at the OHP Investigations Division Headquarters. After being informed of the reason for the interview, ORR provided the following information.

ORR tested on three separate occasions to promote to the rank of captain, including the last occasion when he was promoted to captain. On July 18, 2018, ORR interviewed for the Troop A captain's position. ORR could not recall the exact time he interviewed. However, he remembered it being sometime in the afternoon. ORR did not receive a phone call from Captain TROY GERMAN the day of this interview.

During interviews in March 2018, which would have been the second time ORR interviewed for captain, GERMAN contacted ORR the day of his interview. GERMAN was on the interview panel that ORR interviewed with. ORR could not recall the exact time he interviewed. However, he remembered it being sometime in the afternoon. GERMAN contacted ORR around noon, prior to ORR's interview. GERMAN advised ORR to be sure and study the policy on discipline. ORR recalled there being a question on discipline during that interview.

ORR has prepped extensively in the past during the promotional process with other members. ORR has assisted other members and other members have assisted him, by bouncing ideas and general areas of study off of one another. This included the trooper to lieutenant promotional process and the lieutenant to captain promotional process.

Note: This interview was recorded. The digital file is included with this case.

INVESTIGATING TROOPER	BADGE #	TROOP	COUNTY	AGENCY CASE #	DATE OF REPORT
TRP TRAYE ROSS	612	Z	OKLAHOMA	18-0631CI	01/17/2019

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TITLE OF REPORT

CAPTAIN BRIAN ORR TELEPHONE INTERVIEW

On Friday, January 25, 2018, at 9:09 A.M., Captain BRIAN ORR was interviewed pursuant to criminal investigation case number 18-0631CI. ORR is employed by the Oklahoma Highway Patrol (OHP) and is assigned as the Troop R Troop Commander. Troop R is located at 220 North East 38th Terrace, Oklahoma City, Oklahoma 73105. The contact telephone number is (405) 425-2316. ORR was interviewed by Trooper JIM PARISH. The interview was conducted by telephone. After being informed of the reason for the interview, ORR provided the following information.

In a previous interview, ORR revealed Captain TROY GERMAN contacted him on March 8, 2018, the day of a promotional interview ORR was scheduled to participate in. ORR believed GERMAN had contacted him sometime around noon. ORR was not scheduled to interview until sometime in the afternoon on that day. During the phone call, GERMAN told ORR he needed to be familiar with policy regarding the Oklahoma Highway Patrol (OHP) Discipline matrix. ORR was aware GERMAN had been assigned to sit on the OHP captain's interview board that day.

On Friday, January 18, 2019, ORR provided investigators with his AT&T cellular telephone records for March 2018. The records indicated ORR received a phone call from a number verified to be GERMAN's at 7:23 A.M. and again at 3:33 P.M. However, ORR also received a call at 11:28 A.M. from telephone number (405) 240-3886. The call lasted approximately four minutes.

The investigation into the number revealed it also belonged to GERMAN. ORR was asked if he had the number as one for GERMAN. After checking his contact list, ORR realized he had the same number saved under TANNER GERMAN. TANNER is GERMAN's son. ORR was asked if he had spoken to TANNER on March 8, 2018. He said he had not spoken to him, he had only spoken to GERMAN regarding the promotional board.

NOTE: This report has been reviewed and approved by ORR.

INVESTIGATING TROOPER	BADGE #	TROOP	COUNTY	AGENCY CASE #	DATE OF REPORT
TRP JIM PARISH	504	Z	OKFUSKEE	18-0631CI	01/25/2019

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